

CHAPTER 09

INTERSTATE COMPACT

ON THE PLACEMENT OF

CHILDREN

CHILDREN'S ADMINISTRATION
INDIAN CHILD WELFARE MANUAL
CHAPTER 09 – INTERSTATE COMPACT

Table of Contents

	<u>Page</u>
09.01 INTRODUCTION	1
09.05 USE OF INTERSTATE COMPACT	1
09.10 CA SOCIAL WORKER RESPONSIBILITIES	1
09.15 STATE INTERSTATE COMPACT ADMINISTRATORS	6

**CHILDREN'S ADMINISTRATION
INDIAN CHILD WELFARE MANUAL
CHAPTER 09 – INTERSTATE COMPACT**

**CHILDREN'S ADMINISTRATION
INDIAN CHILD WELFARE MANUAL
CHAPTER 09 – INTERSTATE COMPACT**

09.01 INTRODUCTION

- A. Whenever a Children's Administration (CA) social worker considers placement of an Indian child in another state, the social worker must follow the provisions contained in chapters 04 and 07 and the federal Indian Child Welfare Act (ICWA) regarding placement of Indian children. The social worker must provide such consideration for all Indian children, including Canadian First Nations and Recognized Indian Children, whether under Tribal or state jurisdiction.
- B. When supervising a placement from another state of an Indian child, the CA social worker must:
 - 1. Follow the provisions contained in chapter 07 of this manual regarding placement of Indian children; and
 - 2. Maintain contact with the supervising agency and/or Tribe from the sending state as well as the administrator for the Interstate Compact on the Placement of Children (ICPC).
- C. Tribes have the option, at their discretion, of becoming members of the ICPC.

09.05 USE OF INTERSTATE COMPACT

- A. The CA social worker must follow the provisions of ICPC in the following situations:
 - 1. A dependent Indian child is placed across state lines without Tribal services;
 - 2. The Tribe requests CA and ICPC involvement;
 - 3. There is no tribal court in Washington to take custody of an Indian child placed in Washington from another state;

**CHILDREN'S ADMINISTRATION
INDIAN CHILD WELFARE MANUAL
CHAPTER 09 – INTERSTATE COMPACT**

4. The Indian child, placed in another state, will remain a dependent under the jurisdiction of a Washington state court and in the custody of Children's Administration;
 5. CA will be paying for foster care or other services for a child in another state;
 6. The social worker and/or the Tribe determine that use of ICPC is in the best interest of the Indian child placed across state lines;
 7. The placement is with a relative when the Indian child is the responsibility of CA or if the Tribe requests CA's assistance.
 8. If an Indian child is placed by one Tribe to another Tribe, the ICPC process is not needed. However, if a Tribe wishes the CA to pay for the placement, the Tribe must use the ICPC process.
- B. CA staff must give full faith and credit to complete home studies from other states or Tribes when approving out-of-state placement of an Indian child.

09.10 CA SOCIAL WORKER RESPONSIBILITIES

- A. When the plan is to place an Indian child from Washington out of state through the compact, on request of the child's Tribe that is not a member of the ICPC, the CA social worker:
1. Assists the Tribe to utilize the ICPC for placement of an Indian child in another state in a placement designated by the Tribe. In such an instance, the social worker must see that the requirements of chapter 26.34 RCW, Interstate Compact on Placement of Children, have been satisfied.

**CHILDREN'S ADMINISTRATION
INDIAN CHILD WELFARE MANUAL
CHAPTER 09 – INTERSTATE COMPACT**

2. Makes efforts to arrange visitation to build relationships between the child and the proposed placement following completion of satisfactory criminal history checks and a preliminary family assessment.
3. Assists in arranging the placement of an Indian child through the Compact when the child is not in parental custody and is the subject of child custody proceedings in this state.
 - a. The child's Tribe and the receiving agency/state designate the placement.
 - b. Prior to sending the child to the child's designated placement, the CA social worker documents in the ICW section of the child's service file that the receiving state has determined that the proposed placement does meets the child's best interests.
 - c. The social worker will not send the child for placement if the social worker has not received documentation or the home study indicates that the placement is contrary to the child's best interests.
4. The CA social worker does not authorize and CA does not make foster care payment for an Indian child placed in another state through ICPC unless:
 - a. A certified or licensed child placement agency arranged the placement; or
 - b. A Washington State Tribe's ICW program placed the child under a tribal court order; or
 - c. A court of competent jurisdiction granted custody of the child to CA or its Division of Children and Family Services (DCFS) prior to the child's out-of-state placement.

**CHILDREN'S ADMINISTRATION
INDIAN CHILD WELFARE MANUAL
CHAPTER 09 – INTERSTATE COMPACT**

5. When a Tribe uses the ICPC process, and CA makes payment for placement or related services, the social worker completes the *Interstate Compact Placement Request*, DSHS 15-92, showing the Tribe as having legal custody and showing CA/DCFS as having financial responsibility.
 6. When a child's Tribe informs the CA social worker that the Tribe objects to ICPC placement of the child in another state, the social worker must not arrange for ICPC placement.
 7. The CA social worker must evaluate proposed placement in cooperation with the social services program of the child's Tribe.
- B. When another state's child welfare agency plans to place an Indian child into Washington state through ICPC:
1. The CA social worker must follow the same procedures for the placement of Indian children as outlined in this chapter 04 of this manual.
 2. The CA social worker must evaluate the proposed in-state placement in cooperation with the social services program of the child's Tribe and the sending agency social worker.
 3. The CA social worker must share the home study and recommendations concerning placement of a child in a family in Washington State with both the sending state agency and the child's Tribe.
- C. **Child in Another State under Tribal Jurisdiction – Placement in Washington State**
1. When an Indian Tribe in another state has jurisdiction over an Indian child in another state and wishes to place that child in Washington State, the Tribe has the option of:

CHILDREN'S ADMINISTRATION
INDIAN CHILD WELFARE MANUAL
CHAPTER 09 – INTERSTATE COMPACT

- a. Working directly with the local DCFS office in whose geographical area the child is being placed, or
 - b. Working through the state ICPC program manager in CA headquarters.
2. If the Tribe chooses to work directly with the local DCFS office, the CA social worker and the Tribe must enter into a mutual agreement as to the specific services the CA social worker will provide to the Tribe and the Indian child.
 - a. After placement, CA will offer services to the Indian child to the same degree that it offers services to children placed through another state's child welfare agency.
 - b. The Tribe retains its custody of the child placed and makes all case plan decisions.
3. If the Tribe chooses to work through the state Interstate Compact program manager in Olympia, the program manager, in consultation with the local CA office, and the Tribe must enter into a mutual agreement as to the specific services CA will provide to the Tribe and the Indian child. The local CA office will then provide those services.
4. Indian children placed by Tribes from outside of Washington State are eligible for the same services provided to Washington State Indian children, including, but not limited to:
 - a. Notification of the Tribe if the CA social worker becomes aware that the Tribe's court orders and case plan are not being followed;
 - b. Reports as requested by the Tribe; and
 - c. Participation in case staffings if requested by the Tribe.

09.15 STATE INTERSTATE COMPACT ADMINISTRATORS

To obtain the name, address, and telephone number of the ICPC Administrator for a specific state or states, the CA social worker or the Tribe may contact the ICPC program manager in Olympia at e-mail ICPC300@dshs.wa.gov or (360) 902-7984 or fax (360) 902-7903.